

DECLARATION OF CHRISTOPHE GALOPIN
PURSUANT TO 37 CFR §1.132

I, CHRISTOPHE GALOPIN, declare as follows:

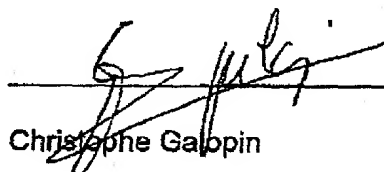
1. I am a named inventor in the above-identified patent application.
2. I received my degree as a Ph.D. in Chemistry from Cornell University, Ithaca, NY, USA. I have four (4) years of experience in the chemistry of flavor compounds, which is the subject of this application. I have read the outstanding Office Action and the Chiba and Ashurst references cited.
3. I have claimed specific formula I compositions as a flavor or fragrance, and a method of flavoring or fragrancng by adding my formula I compositions to a product. The Examiner states that this is obvious because Chiba discloses the compounds, which contain a mercaptan (-SH group), and Ashurst discloses the use of mercaptans as flavoring agents. I respectfully disagree that my invention is rendered obvious by combining the disclosures of Chiba with Ashurst.
4. In my opinion, one cannot predict a chemical's ability to provide a flavor or fragrance composition, or a method of flavoring or fragrancng a product, based upon the presence of a -SH group. Stated another way, it is not obvious from inspection which sulfur-containing compound would be suitable as a flavorant and which would not. Nothing in Chiba leads one skilled in the art to use its disclosed industrial chemicals as flavorants or fragrances with a reasonable expectation of success.

5. In support, I provide the following example involving mercaptans, which are derivatives of hydrogen sulfide. Hydrogen sulfide is well known for its offensive (rotten egg) odor and for its highly toxic properties (used only with precautions, ventilation, etc.). One skilled in the art would not expect hydrogen sulfide, a toxic compound with an offensive odor, to provide desirable flavorant properties. However, it was unexpectedly found that hydrogen sulfide could impart desirable flavor properties in minute quantities.

6. Further, it is the combination of functional groups together, in Formula I group, not just the -SH group, that provides the interesting tonality of the molecules. There are also complex interactions with other materials that provide flavor and fragrance properties. Such flavor and fragrance properties cannot be predicted based upon a chemical compound.

I hereby declare that all statements made herein of my own knowledg are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent issued thereon.

08.26.03
Date


Christophe Galopin

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